

REMARKS

After the foregoing amendment, claims 1-4, and 6-16 are pending in the application.

Objections to the Claims

Claims 10, 11, 13, 15 and 16 were objected to because of the use of the phrases "first type of backpressure" and "second type of backpressure". The objection has been addressed by amending the claims to replace "first type of backpressure" with "first backpressure signal" and to replace "second type of backpressure" with "second backpressure signal". No new matter was added.

Rejections Under 35 U.S.C. § 103(a)

Claim Rejections under Fan

Claims 1-4 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Number 6,408,005 B1 issued to Fan et al. on June 18, 2002.

Applicants respectfully traverse the rejection.

First, applicants' claim 1 recites, generating selective backpressure on selected ones of the component traffic streams such that selected ones of the component streams are desirably regulated.

As noted in the Office Action, Fan does not teach generating selective backpressure. Also, Fan does not teach generating selective backpressure on selected ones of the component traffic streams. Instead, Fan discloses that backpressure signals are sent to the upstream traffic, as stated in column 4, lines 32-34. Thus the clear teaching of Fan is that backpressure signals are applied to all upstream traffic for downstream bottlenecks, rather than generating selective backpressure on selected ones of the traffic streams as required by applicants' claim 1. Therefore, Fan lacks selective backpressure on selected ones of the traffic streams required by applicants' claim 1.

The Examiner has asserted that "selective" backpressure, as used in applicants' claim 1, and "global" backpressure, as used in Fan are

interchangeable concepts based on U.S. Patent number 5,629,928 issued to Calvignac on May 13, 1997.

Applicants disagree.

Calvignac discloses that the backpressure mechanism disclosed in a referenced co-pending application employs two primitives, which are "selective" backpressure and "global" backpressure, as stated in column 2, lines 14-22. Furthermore, Calvignac discloses in column 2, lines 39-58 that implementation of a selective backpressure mechanism is not possible in a virtual path network because the switching elements, i.e., VP switches or VP sub-networks of the virtual path network ignore the VCI identifier of the virtual connections. Thus, the virtual path switching elements **cannot** handle selective backpressure requests generated by the selective backpressure mechanism. Consequently, the only way to prevent congestion is to generate a global backpressure signal, which throttles traffic on all connections making up the virtual path.

Therefore the clear teaching of Calvignac is that "selective" backpressure and "global" backpressure are **not** interchangeable concepts.

Second, applicants' claim 1 recites, aggregating one or more component traffic flows into a component traffic stream; and aggregating one or more component traffic streams into an aggregate stream.

Fan does **not** teach this limitation. Instead Fan discloses N stream queues, i.e., SQ1, SQ2, ..., SQN, that are aggregated at bottleneck queue CQ. See FIG. 1 and column 1, lines 42-44. Thus the clear teaching of Fan is that one or more component streams are aggregated into an aggregate stream, rather than aggregating one or more component traffic flows into a component stream. Therefore, Fan lacks the component traffic flows required by applicants' claim 1.

In view of the foregoing, claim 1 is believed to be allowable over the Fan. Since claims 2-4 depend from allowable claim 1, these claims are also allowable over the proposed combination.

Claim Rejections under Fan and Chen

Claims 6-8 were rejected under 35 U.S.C. §103(a) as being unpatentable over Fan et al. in view of U.S. Patent Number 6,188,674 B1 issued to Chen on February 13, 2001.

Fan does not teach or suggest, "generating selective backpressure on selected ones of the component traffic streams such that selected ones of the component streams are desirably regulated" as recited in applicants' independent 1 for the above-mentioned reasons. Likewise, Chen does not teach this limitation. Instead, Chen discloses a method of packet loss measurement oriented to packet flows. Chen makes no mention of generating selective backpressure on selected ones of the component traffic streams. Therefore, the combination of Fan and Chen does not teach or suggest all of the limitations in applicants' claims 6-8, and therefore claims 6-8 are allowable over the proposed combination.

Claim Rejections under Fan, Chen, and Brown

Claims 9-16 were rejected under 35 U.S.C. §103(a) as being unpatentable over Fan et al. in view of Chen, and further in view of U.S. Patent Number 6,075,772 issued to Brown on June 13, 2000.

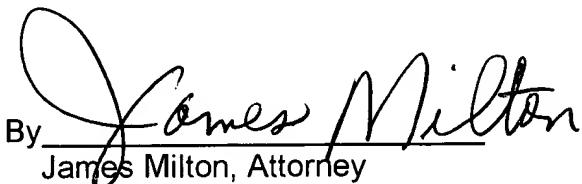
Fan and Chen do not teach or suggest, "generating selective backpressure on selected ones of the component traffic streams such that selected ones of the component streams are desirably regulated" as recited in applicants' independent 1 for the above-mentioned reasons. Brown does not cure the deficiency noted above for Fan and Chen. Instead, Brown discloses a method that provides for improved performance of guaranteed bandwidth connections in data processing systems. Brown makes no mention of generating selective backpressure on selected ones of the component traffic streams. Therefore, the combination of Fan, Chen, and Brown does not teach or suggest all of the limitations in applicants' claims 9-16, and therefore claims 9-16 are allowable over the proposed combination.

Conclusion

In view of the foregoing amendments and remarks, applicants submit that this application is in condition for allowance, and reconsideration is therefore respectfully requested. If there are any outstanding issues that the Examiner feels may be resolved by way of a telephone conference, the Examiner is invited to contact the undersigned to resolve the issues.

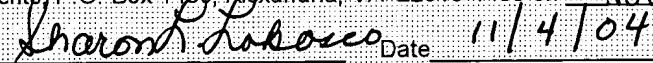
Respectfully submitted,

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Sharon L. Lobosco Date 11/4/04

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